

DEPARTMENT OF ADMINISTRATION  
ONE CAPITOL HILL  
PROVIDENCE RHODE ISLAND 02908  
**PERSONNEL APPEAL BOARD MEETING**  
WEDNESDAY, SEPTEMBER 9<sup>TH</sup>, 2015, 1:00 P.M.

**MEETING MINUTES**

**POSTED: October 23, 2015**

A meeting of the Personnel Appeal Board was convened on Wednesday, September 9<sup>th</sup>, 2015 at 1:00 p.m. at the Department of Administration, One Capitol Hill 3<sup>rd</sup> Floor, PAB Conference Room, Providence, Rhode Island in accordance with the public notice of its agenda posted on August 26<sup>th</sup>, 2015.

Chair Cara Cromwell called the meeting to order and undertook a roll call for attendance. Members of the Board in attendance for the hearing were as follows:

Cara Cromwell – Chair  
Susan T. Perkins, Esq. – Vice Chair  
Jacquelyn Baginski - Member  
William R. Facente – Member  
Kenneth F. McGunagle Jr., Esq. – Member  
Steven Merolla, Esq. – PAB Attorney

Others in attendance were: Donna Conway (Administrative Assistant), David Amato (DHS), Lissa DiMauro (DHS), Melanie Marcaccio (DOA), George Rinaldi, Esq. (DOA), Jennifer Bogdan (Providence Journal) and Mary Riley (AFSCME Council 94).

Chair Cromwell noted that a quorum of members was present to conduct business.

**Approval of Minutes:**

1. **August 27<sup>th</sup>, 2015:** On motion made by Ms. Perkins and seconded by Ms. Baginski, the Board voted unanimously to approve the minutes.

**Issuing Decisions:**

- **LESIEUR v. RIC** (PAB 11-016): The Personnel Appeal Board upheld the decision of the Administrator of Adjudication and denied the appeal.

- **TRENN v. RIC** (PAB 11-017): The Personnel Appeal Board upheld the decision of the Administrator of Adjudication and denied the appeal.
- **AUCOIN v. DOC** (PAB 12-022): The Personnel Appeal Board upheld the decision of the Administrator of Adjudication and denied the appeal.
- **GUGLIELMINO v. DEM** (PAB 13-005): The Personnel Appeal Board upheld the decision of the Administrator of Adjudication and denied the appeal.

**Open Session:**

**David Amato v. The Department of Human Services  
PAB 15-003**

**Board Members Hearing Appeal:**

Cara Cromwell – Chair

William R. Facente – Member

Kenneth F. McGunagle Jr., Esq. – Member

Steven Merolla, Esq. – PAB Attorney

At 1:15 p.m. the hearing for David Amato v. DHS (PAB 15-003) convened.

A motion to deny and dismiss for lack of jurisdiction based on the status of the appellant was orally made by George Rinaldi, Esquire, representing the Department of the Human Services. The Personnel Appeal Board also heard an oral argument from the Mr. Amato and reviewed the Jurisdictional Questionnaire and Statement of Facts. On motion made by Mr. Facente and seconded by Mr. McGunagle, the Board voted unanimously to vote to deny Mr. Amato's appeal based on lack of jurisdiction. Ms. Cromwell, Mr. Facente, and Mr. McGunagle all voted yes to the Motion to Dismiss based on lack of jurisdiction.

**Adjournment:**

There being no further items to consider, on motion made by Mr. Facente and seconded by Mr. McGunagle, the Board voted to adjourn at 1:37 p.m.

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Donna Conway, in her capacity as Administrative Assistant